

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6 are currently pending in this application. By this amendment, Applicants have amended Claims 1 and 2.

In the outstanding Office Action, Claims 1-2, and 4-5 were rejected under 35 U.S.C. §102(b) as being anticipated by Nicholson (U.S. Patent No. 5,433,456); Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nicholson in view of Lew et al. (U.S. Patent No. 4,582,330); Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholson; the drawings were objected to for failing to comply with 37 C.F.R. 1.84(p)(4); and Claim 5 was objected to.

Claim 1, as amended, is directed toward a combination seal gasket that includes a ring shaped metal base elastic structure in at least one trough portion of two trough portions of a ring-shaped metal gasket that has an S-shaped longitudinal cross section, wherein the metal base elastic structure contacts only in-plane side surfaces of the trough portion. Claim 2, as amended, is similar to Claim 1, except that Claim 2 is directed toward a combination seal gasket that includes a ring-shaped metal gasket that has a substantially E-shaped longitudinal cross section.

Claims 1 and 2 both, as amended, recite "...the metal base elastic structure contacts only in-plane side surfaces of the trough portion." Support for the amendments to Claims 1 and 2 is found in the specification on page 8, lines 4-10, for example, and therefore the amendment to Claims 1 and 2 are not believed to raise an issue of new matter.

Nicholson does not disclose the metal base elastic structure coming into contact with only in-plane side surfaces of the trough. On the contrary, Figs. 2 and 5 of Nicholson each show metal springs 28 and 28', respectively, contacting the entire inner surfaces of the

troughs 24 and 38(a-c). Therefore, Nicholson fails to disclose every element of Claims 1 and 2 as amended.

Applicants respectfully submit that Claims 1 and 2, as amended, (and their dependent Claims 3-6) patentably distinguish over Nicholson.

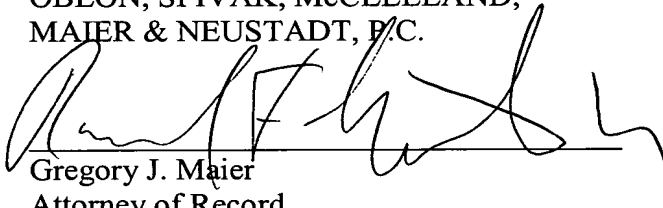
Fig. 3 of the drawings has been amended. Reference 10b has been changed to 10c, as 10c designates the coil spring. Support for this is found in the specification on page 11, line 16, for example, and therefore, new Fig. 3 is not believed to raise an issue of new matter.

Claim 5 has been amended, as directed by the Office Action,¹ to overcome the objection to it.

Consequently, in view of the above amendments and comments, it is respectfully submitted that the outstanding rejection is traversed and the pending claims are in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

GJM/JW/tet
I:\ATTY\JW\247239US\247239_AM.DOC

Raymond F. Cardillo Jr.
Registration No. 40,444

¹ Office Action, page 2.

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Figs. 3 and 4, replaces the original sheet including Figs. 3 and 4.

Attachment: Replacement Sheet